

REMARKS***Summary of the Response***

Upon entry of the *Listing of Claims*, claims 30 and 62 will have been amended and claims 30 – 62 will remain pending. Reconsideration of the rejected claims in view of the above amendment and following remarks is respectfully requested.

Summary of the Office Action

In the previous Office Action, the finality of which has been withdrawn by the filing of Applicants' Request for Continued Examination, the Examiner rejected claims 38, 39, and 55 based upon formal matter and claims 30 – 62 over the art of record. By the present remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Entry of Amendment is Proper

Applicants submit that the amendments to claims 30 and 62, which recite that the containing is structured without a double floor, find support in at least ¶ [0007] of the Substitute Specification, i.e., “[u]sing such a water line network eliminates the necessity of using a double floor.” Thus, Applicants submit that the amended claims are fully supported by the original disclosure and, therefore, proper for entry and consideration.

Traversal of Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Applicants traverse the formal rejection of claims 38, 39 and 55 under 35 U.S.C. § 112, second paragraph as being indefinite.

Applicants note that, despite their explicit request in their response to the previous Office Action, the Examiner still has not identified the formal matter in claim 39 that renders this claim indefinite. In this regard, Applicants note that the first office action and the pending final action both fail to identify any basis for rejecting claim 39 under 35 U.S.C. § 112, second paragraph. Additionally, as claim 39 does not depend from either claim 38 or 55, for which the Examiner identified a basis for the alleged indefiniteness, the Examiner's basis for rejecting claim 39 is not discernable from the record. Accordingly, Applicants assume the formal rejection of claim 39 was an inadvertent carry over from the prior action and that the claims was not intended by the Examiner to be included in the pending rejection under 35 U.S.C. § 112, second paragraph.

With regard to claims 38 and 55, the Examiner has taken apparent exception to the terminology in Applicants' claims intended to establish a point of reference for recited arrangement of elements. In particular, claim 38 utilizes the phraseology "when viewed from above" to convey that, when viewed from a position above the device, the recited arrangement of elements, in which the shared water line elements are oriented between two adjacent, radially oriented rows of passageways would be discernable; and claim 55 utilizes the phraseology "when viewed from above in a displacement direction" to convey that, when viewed from a position above the device and considering the direction of displacement of the scraper, to assist in defining a front side of the scraper body so that the arrangement of the at least one air valve "directly preceding a front side of the scraper body" can be readily understood.

Thus, while the Examiner is technically correct that statements "from above is not tied to any structure," these statements establish the vantage point from which one ordinarily skilled in the art would view the elements to identify the recited arrangement defining the embodiments of the invention. Applicants submit that without the points of reference in the above-noted claims,

the specific arrangement of elements in these claims would be more difficult to recite. Further, as those ordinarily skilled in the art would readily understand these phrases as establishing a point of reference for discerning the structure, Applicants submit that those ordinarily skilled in the art reviewing the disclosure and pending claims would understand the subject matter 38 and 55 and be able to determine the respective scopes of these claims.

Moreover, the Examiner's attention is directed to MPEP 2173.02, which set forth the test for definiteness under 35 U.S.C. 112, second paragraph, i.e., whether "those skilled in the art would understand what is claimed when the claim *is read in light of the specification*." (emphasis added). *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Moreover, definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

As Applicants have previously pointed out that the instant specification discloses that:

The steeping cistern 1 functions as follows: Starting from an unfilled state of the container 2, the barley 5 is introduced into the container 2. Water is then supplied via the water line system to the barley 5 through the passageways 6, so that the barley 5 is completely immersed in the water. This state of the wet steeping phase is retained for several hours, for example two or three hours. Because the passageways 6 are arranged in radial rows 7 and separate air valves 23 that can be individually opened and closed by a control system (not shown in any greater detail) are used per row, *it is possible during the wet steeping phase to selectively provide rows 7 with air during the rotation of the scraper body 30 in a rotational direction 33 directly preceding the scraper body 30 with viewed from above, so that dirt there floats up locally to more of an extent, and can be removed via the scraping wall 31 through the capstan 32.*

(emphasis added). Specification (as published as U.S. Patent Application Publication No. 2007/0160710), paragraph [0055].

Therefore, Applicants respectfully submit that subject matter recited in claims 38 and 55 clearly and unambiguously recite the subject matter that the inventors regard as their invention, and that those ordinarily skilled in the art reviewing the specification would understand what is claimed by the phrases “when viewed from above” and “when viewed from above in a displacement direction” when the claims are read in light of the specification.

Accordingly, for at least these reasons, Applicants respectfully request the rejection of claims 38, 39 and 55 be withdrawn and the Examiner indicate that claims 38, 39 and 55 are in compliance with 35 U.S.C. § 112, second paragraph.

Traversal of Rejection Under 35 U.S.C. § 102(b)

Applicants traverse the rejection of claims 30 – 33 under 35 U.S.C. § 102(b) as being anticipated by ROLLIN, U.S. Patent No. 23,266. The rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *See The Manual of Patent Examining Procedure* [hereinafter “MPEP ”] § 2131. Applicants submit that the applied art does not show each and every element of the claimed invention.

Applicants note that independent claim 30 recites, *inter alia*, a container structured and arranged for steeping barley having a *floor structured and arranged for supporting the barley*, the container is structured *without a double floor, passageways arranged in the floor* for at least one of steeping water and gases to pass through, and a *water line system located under the floor and directly connected to the passageways*. Applicants submit that ROLLIN fails to provide any

express or implied disclosure of the above-recited device, and therefore, fails to anticipate the embodiments recited in at least independent claim 30.

Applicants note that ROLLIN discloses a device for boiling or steeping hops. As shown in Figure 2 – 4, a boiler u is placed into the device to define an upper space x and a steam chamber v. Boiler u and part of upper space x are filled with water, i.e., up to gage cock l. Hops to be boiled or steeped are placed into a strainer t, which is in turn placed inside the boiler u. Steam is supplied into steam chamber v through pipe p to heat the water inside the boiler u, thereby boiling or steeping the hops in strainer t. Once the hops are sufficiently boiled or steeped, the water within boiler u is drained through pipe o and strainer t is removed from the device and the boiled or steeped hops are taken out.

In the pending office action, the Examiner has interpreted boiler u of ROLLIN as the claimed container having a floor formed by strainer t, such that the floor supports hops and has passageways allowing steeping water and/or gases to pass through a water line system p and/or q located under the floor and directly connected to the passageways. Applicants traverse the Examiner's interpretation of ROLLIN and submit that this interpretation is not reasonable based upon the express disclosure of ROLLIN.

As the Examiner has interpreted ROLLIN as having a floor formed by strainer t, Applicants submit that the applied art cannot be understood to include a container structured without a double bottom. That is, as strainer t is structured to fit within boiler u to form a double bottomed container, ROLLIN cannot be reasonably interpreted to disclose the recited container of at least Applicants' independent claim 30. Thus, for at least this reason, Applicants submit that the pending rejection is improper and should be withdrawn.

Further, Applicants note that when strainer t is fitted within boiler u, a gap is formed between the bottom of strainer t and the bottom of boiler u, *see* ROLLIN, Fig. 2. Applicants note that ROLLIN provides no express or implied disclosure of a *direct connection* from the passageways in the floor of strainer t to a water line system, such as pipe p. Because ROLLIN fails to show at least the above-noted direct connection recited in at least independent claim 30, Applicants submit that the cited art fails to show each and every recited element of the claims.

As noted above, in the interview of February 4, the Examiner asserted that the steam from pipe p flows into the ROLLIN device and contacts the passageways in strainer t. However, Applicants note that there is no reasonable basis found in ROLLIN to support the Examiner's allegation that, via the steam, the passageways in the floor and the water line system are "directly connected," as recited in independent claim 30. In fact, Applicants note that ROLLIN expressly teaches against the Examiner's interpretation, i.e.,

[i]t will be observed that *no connection exists between the steam chamber v and interior of the boiler* and that the latter is entirely closed against any communication with the contents of pan h, or with the external air; *the space between u and x being a closed chamber* within which pressure is prevented by condensation as explained.

(emphasis added). ROLLIN, page 1, ll. 90 – 98.

Thus, contrary to the Examiner's allegations in the February 4, 2011 telephone interview with Applicants' representative, ROLLIN teaches against the Examiner's interpretation of ROLLIN, such that one ordinarily skilled in the art would not reasonably understand that ROLLIN discloses that passageways in the strainer t are directly connected to the water system via steam from pipe p.

Because ROLLIN fails to expressly or impliedly disclose the recited arrangement of elements set forth in at least independent claim 1, Applicants submit that the applied art fails to

show each and every element of the claims. Thus, Applicants submit that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b), such that the pending rejection is improper and should be withdrawn. Accordingly, reconsideration and withdrawal of the pending rejection of at least independent claim 30 is requested and believe proper.

Further, Applicants submit that claims 31 – 33 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the embodiments of the present invention. In particular, Applicants submit that ROLLIN fails to anticipate the embodiments recited in at least claims 31 – 33.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 30 – 33 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

Traversal of Rejections Under 35 U.S.C. § 103(a)

1. Over Rollin in view of Sauvage

Applicants traverse the rejection of claims 34 and 35 under 35 U.S.C. § 103(a) as being unpatentable over ROLLIN in view of SAUVAGE et al. (U.S. Patent No. 5,282,413) [hereinafter “SAUVAGE”]. The rejection is respectfully traversed.

With regard to the pending rejection of the claims under 35 U.S.C. § 103(a), Applicants note the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, Applicants are under no obligation to submit evidence of non-obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met:

- (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- (2) there must be a reasonable expectation of success; and
- (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP §2142.

Further, while rejecting a *rigid* application of the teaching, suggestion, or motivation (“TSM”) test in an obviousness inquiry, the U.S. Supreme Court acknowledged the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does” in an obviousness determination. *Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-1357 (Fed. Cir. 2007) (quoting *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1731 (2007)).

As noted above, ROLLIN fails to expressly or impliedly disclose the subject matter recited in at least independent claim 30. Further, as ROLLIN expressly discloses that there is “no connection” between the steam chamber v and the interior of the boiler u, Applicants further submit that ROLLIN teaches against the Examiner’s interpretation of ROLLIN. Because the Examiner’s interpretation of ROLLIN is contrary to the explicit disclosure by ROLLIN, Applicants submit that the Examiner’s interpretation of the applied art is not reasonable, and that one ordinarily skilled in the art reviewing ROLLIN would find no reasonable teaching in

ROLLIN for establishing a direct connection between the passageways and a water line system, via steam or otherwise.

Applicants note that while SAUVAGE discloses a grain steeping installation, this document fails to expressly or impliedly teach the subject matter note of Applicants' independent claim 30, which has been shown above to be deficient in the disclosure of ROLLIN. In particular, Applicants note that SAUVAGE, too, fails to disclose or even suggest a container structured without a double bottom and a direct connection between a passageway in the floor of a container on which the grain is supported and a water line system.

Because neither applied document of record expressly or even impliedly suggests the above-noted subject matter of Applicants' independent claim 30, Applicants submit that no proper combination of ROLLIN in view of SAUVAGE under 35 U.S.C. § 103(a) can render obvious the embodiments of at least independent claim 30. Thus, Applicants submit that the pending rejection is improper and should be withdrawn.

Further, Applicants note that the Examiner has not identified any articulated reasoning in the applied art suggesting to one ordinarily skilled in the art that it would have been obvious to modify ROLLIN in a manner contrary to its express disclosure nor has the Examiner identified any reasonable suggestion in the applied art that one ordinarily skilled in the art modifying ROLLIN in a manner expressly contrary to its own disclosure would have had a reasonable expectation of successfully achieving the embodiments of Applicants' invention. Thus, for these additional reasons, Applicants submit that the pending rejection of the claims under 35 U.S.C. § 103(a) over ROLLIN in view of SAUVAGE is improper and should be withdrawn.

Further, Applicants submit that claims 34 and 35 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional

features that further define the embodiments of the invention. In particular, Applicants submit that no proper combination of ROLLIN in view of SAUVAGE can render obvious the combination of features recited in the embodiments of claims 34 and 35.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 34 and 35 under 35 U.S.C. § 103(a) over ROLLIN in view of SAUVAGE and indicate that these claims are allowable.

2. Over Rollin in view of Schultz

Applicants traverse the rejection of claims 36 - 39, 48 - 57 and 61 under 35 U.S.C. § 103(a) as being unpatentable over ROLLIN in view of SCHULTZ (U.S. Patent No. 3,730,845). The rejection is respectfully traversed.

As set forth above, ROLLIN neither expressly nor impliedly discloses the subject matter recited in at least independent claim 30. Further, as ROLLIN expressly discloses that there is “no connection” between the steam chamber v and the interior of the boiler u, Applicants further submit that ROLLIN teaches against the Examiner’s interpretation of ROLLIN. Because the Examiner’s interpretation of ROLLIN is contrary to the explicit disclosure by ROLLIN, Applicants submit that the Examiner’s interpretation of the applied art is not reasonable, and that one ordinarily skilled in the art reviewing ROLLIN would find no reasonable teaching in ROLLIN for establishing a direct connection between the passageways and a water line system, via steam or otherwise.

Applicants note that while SCHULTZ discloses a malt producing installation, this document fails to expressly or impliedly teach the subject matter note of Applicants’ independent claim 30, which has been shown above to be deficient in the disclosure of ROLLIN. In

particular, Applicants note that SCHULTZ also fails to expressly or even impliedly suggest a container structured without a double bottom and a direct connection between a passageway in the floor of a container on which the grain is supported and a water line system.

Because neither applied document of record expressly or even impliedly suggests the above-noted subject matter of Applicants' independent claim 30, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ under 35 U.S.C. § 103(a) can render unpatentable the embodiments of at least independent claim 30. Thus, Applicants submit that the pending rejection is improper and should be withdrawn.

Further, Applicants note that the Examiner has not identified any articulated reasoning in the applied art of record that would have suggested to one ordinarily skilled in the art to modify ROLLIN in a manner contrary to express disclosure nor has the Examiner identified any reasonable suggestion in the applied art that one ordinarily skilled in the art modifying ROLLIN in a manner expressly contrary to its own disclosure would have had a reasonable expectation of successfully achieving the embodiments of Applicants' invention. Thus, for these additional reasons, Applicants submit that the pending rejection of the claims under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ is improper and should be withdrawn.

Further, Applicants submit that claims 36 – 40, 48 – 57 and 61 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the embodiments of the present invention. In particular, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ under 35 U.S.C. § 103(a) can render obvious the embodiments of claims 36 – 40, 48 – 57 and 61.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 36 – 40, 48 – 57 and 61 under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ and indicate that these claims are allowable.

3. Over Rollin in view of Schultz and further in view of Deblois and Numberger

Applicants traverse the rejection of claims 41 – 47, 60 and 62 under 35 U.S.C. § 103(a) as being unpatentable over ROLLIN in view of SCHULTZ, and further in view of U.S. Patent Publication No. 2005/0037452 to Deblois et al. [hereinafter DEBLOIS] and U.S. Patent No. 4,048,019 to Numberger [hereinafter NUMBERGER]. The rejection is respectfully traversed.

The subject matter of Applicants' independent claim 30 has been set forth above. Further, Applicants' independent claim 62 recites, *inter alia*, at least one of passing water through passageways in a floor of a container with barley to be steeped, the container being structured *without a double floor*, and passing gas through the passageways, such that a *water and gas supply line system is located outside of the container and is directly connected to the passageways*. Applicants submit that no proper combination of the applied art can render obvious the embodiments of the invention.

As set forth above, Applicants' independent claim 62 has been amended to even more clearly correspond to the subject matter recited in independent claim 30, which has been discussed above. Thus, both independent claims now clearly and unambiguously recite a direct connection between the passageways and a water line system, which is neither disclosed nor suggested in the applied art of record. In this regard, Applicants note that, not only does ROLLIN not expressly impliedly disclose the subject matter recited in at least independent claims 30 and 62, ROLLIN expressly discloses a double bottom container formed by strainer t

and boiler u, and that there is “no connection” between the steam chamber v and the interior of the boiler u. Thus, Applicants submit that Examiner is relying on an interpretation of ROLLIN that is expressly contradicted by ROLLIN. Because the Examiner’s interpretation of ROLLIN is contrary to the explicit disclosure by ROLLIN, Applicants submit that the Examiner’s interpretation of the applied art is not reasonable, and that one ordinarily skilled in the art reviewing ROLLIN would find no reasonable teaching in ROLLIN for establishing a direct connection between the passageways and a water line system, via steam or otherwise.

Applicants note that none of SCHULTZ, DEBLOIS or NUMBERGER expressly or impliedly teach the subject matter note of Applicants’ independent claims 30 and 62, which has been shown above to be deficient in the disclosure of ROLLIN. In particular, Applicants note that the Examiner has identified no express or implied disclosure in SCHULTZ, DEBLOIS and/or NUMBERGER that arguably suggests a container structured without a double bottom and a direct connection between a passageway in the floor of a container and a water line system.

Because neither applied document of record expressly or even impliedly suggests the above-noted subject matter of Applicants’ independent claims 30 and 62, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ, DEBLOIS and NUMBERGER under 35 U.S.C. § 103(a) can render unpatentable the embodiments of at least independent claims 30 and 62. Thus, Applicants submit that the pending rejection is improper and should be withdrawn.

Further, Applicants note that the Examiner has not identified any articulated reasoning in the applied art of record that would have suggested to one ordinarily skilled in the art that it would have been obvious to modify ROLLIN in a manner contrary to its express disclosure nor has the Examiner identified any reasonable suggestion in the applied art that one ordinarily

skilled in the art modifying ROLLIN in a manner expressly contrary to its own disclosure would have had a reasonable expectation of successfully achieving the embodiments of Applicants’ invention. Thus, for these additional reasons, Applicants submit that the pending rejection of the claims under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ, DEBLOIS and NUMBERGER is improper and should be withdrawn.

Further, Applicants submit that claims 41 – 47 and 60 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ and further in view of DEBLOIS and NUMBERGER under 35 U.S.C. § 103(a) can render unpatentable the embodiments of claims 41 – 47 and 60.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 41 – 47 and 60 under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ and further in view of DEBLOIS and NUMBERGER and indicate that these claims are allowable.

4. *Over Rollin in view of Schultz, Deblois and Numberger and further in view of Sauvage*

Applicants traverse the rejection of claim 58 under 35 U.S.C. § 103(a) as being unpatentable over ROLLIN in view of SCHULTZ, DEBLOIS and NUMBERGER, and further in view of SAUVAGE. The rejection is respectfully traversed.

As discussed above, none of SCHULTZ, DEBLOIS, NUMBERGER or SAUVAGE discloses or even suggests a container structured without a double bottom and a direct connection between a passageway in the floor of a container and a water line system, as recited Applicants’ independent claim 30, which has been shown above to be deficient in the disclosure of ROLLIN.

Because neither applied document of record expressly or even impliedly suggests the above-noted subject matter of Applicants' independent claims 30 and 62, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ, DEBLOIS, NUMBERGER and/or SAUVAGE under 35 U.S.C. § 103(a) can render unpatentable the embodiments of at least independent claim 30. Thus, Applicants submit that the pending rejection is improper and should be withdrawn.

Further, Applicants note that the Examiner has not identified any articulated reasoning in the applied art of record that would have suggested to one ordinarily skilled in the art that it would have been obvious to modify ROLLIN in a manner contrary to its express disclosure nor has the Examiner identified any reasonable suggestion in the applied art that one ordinarily skilled in the art modifying ROLLIN in a manner expressly contrary to its own disclosure would have had a reasonable expectation of successfully achieving the embodiments of Applicants' invention. Thus, for these additional reasons, Applicants submit that the pending rejection of the claims under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ, DEBLOIS, NUMBERGER and/or SAUVAGE is improper and should be withdrawn.

Further, Applicants submit that claim 58 is allowable at least for the reason that it depends from an allowable base claim and because it recites additional features that further define the embodiments of the invention. In particular, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ, DEBLOIS and NUMBERGER and further in view of SAUVAGE under 35 U.S.C. § 103(a) can render unpatentable the embodiments of claim 58.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claim 58 under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ, DEBLOIS and NUMBERGER and further in view of SAUVAGE and indicate that these claims are allowable.

5. Over Rollins in view of Schultz and further in view of Sauvage

Applicants traverse the rejection of claim 59 under 35 U.S.C. § 103(a) as being unpatentable over ROLLINS in view of SCHULTZ and further in view of SAUVAGE. The rejection is respectfully traversed.

As discussed above, none of SCHULTZ or SAUVAGE discloses or even suggests a container structured without a double bottom and a direct connection between a passageway in the floor of a container and a water line system, as recited Applicants' independent claim 30, which has been shown above to be deficient in the disclosure of ROLLIN.

Because neither applied document of record expressly or even impliedly suggests the above-noted subject matter of Applicants' independent claims 30 and 62, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ and/or SAUVAGE under 35 U.S.C. § 103(a) can render unpatentable the embodiments of at least independent claim 30. Thus, Applicants submit that the pending rejection is improper and should be withdrawn.

Further, Applicants note that the Examiner has not identified any articulated reasoning in the applied art of record that would have suggested to one ordinarily skilled in the art that it would have been obvious to modify ROLLIN in a manner contrary to its express disclosure nor has the Examiner identified any reasonable suggestion in the applied art that one ordinarily skilled in the art modifying ROLLIN in a manner expressly contrary to its own disclosure would have had a reasonable expectation of successfully achieving the embodiments of Applicants'

invention. Thus, for these additional reasons, Applicants submit that the pending rejection of the claims under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ and/or SAUVAGE is improper and should be withdrawn.

Further, Applicants submit that claim 59 is allowable at least for the reason that it depends from an allowable base claim and because it recites additional features that further define the embodiments of the invention. In particular, Applicants submit that no proper combination of ROLLIN in view of SCHULTZ and further in view of SAUVAGE under 35 U.S.C. § 103(a) can render unpatentable the embodiments of claim 58.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claim 59 under 35 U.S.C. § 103(a) over ROLLIN in view of SCHULTZ and further in view of SAUVAGE and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in claims 30 – 62. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Should the Examiner have any further comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Bernardus VAN DIEREN

/Robert W. Mueller/ Reg. No. 35,047
Robert W. Mueller

Neil F. Greenblum
Reg. No. 28,394

August 31, 2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191